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3 RECORD OF ORAL HEARING
4 UNITED STATES PATENT AND TRADEMARK OFFICE
5

6
7 BEFORE THE BOARD OF PATENT APPEALS
8 AND INTERFERENCES
9

10 *Ex parte* RYOU KANNO, TOSHIMITSU SATO, TAKASHI HIROTSU,
11 TOMOHIRO SUWA, and ISAO SAITO
12

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14 Appeal No. 2009-009363
15 Application No. 10/600,658
16 Technology Center 1700
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19 Oral Hearing Held: Thursday, November 19, 2009
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23 Before BRADLEY R. GARRIS, CHUNG K. PAK, and PETER F. KRATZ,
24 *Administrative Patent Judges*
25
26

27
28 ON BEHALF OF THE APPELLANTS:
29

30 CHRISTOPHER A. BULLARD, ESQUIRE
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35

1 The above-entitled matter came on for hearing on Thursday,
2 November 19, 2009, commencing at 10:34 a.m., at the U.S. Patent and
3 Trademark Office, 600 Dulany Street, 9th Floor, Hearing Room A,
4 Alexandria, Virginia, before Dawn A. Brown, Notary Public.

5 THE USHER: Calendar Number 69, Mr. Bullard.

6 JUDGE GARRIS: Thank you, Lisa.

7 THE USHER: You're welcome.

8 MR. BULLARD: Good morning. May I approach the
9 stenographer to give her my business card?

10 JUDGE GARRIS: Yes, please do, sir. Thank you for that.
11 Counselor, I think you're well aware that you have about 20
12 minutes to present your case so please begin, sir.

13 MR. BULLARD: Thank you, Your Honor. My name is
14 Christopher Bullard, and I'm here to present arguments for Appeal Number
15 2009 009363.

16 This case relates to a method for positioning a glass plate.
17 Initially, it is notable that the question before the Board today is whether the
18 pending claims are obvious over the single cited reference, Letemps.
19 Initially, the Final Rejection included an alternative obvious anticipation
20 rejection. The anticipation rejection was withdrawn in the Examiner's
21 Answer. So the question before the Board today is whether the pending
22 claims are obvious in view of the Letemps reference.

23 Now, both Letemps and the present application deal with the
24 problem of bending glass plates. In particular, how to position glass plates
25 prior to the bending of the glass plates in a way that does not result in

1 marking of the glass plates. Glass plates when they are bent have to be
2 raised to a bending temperature so that they can be bent. As such, glass
3 plates are also very susceptible to marking in this stage.

4 Letemps proposes to avoid touching the glass plates altogether
5 in positioning and making sure that the glass is in the correct position by
6 moving the entire bending mechanism itself.

7 There are two different bending mechanisms described in
8 Letemps. In the first embodiment, a taking over machine comprises a
9 mechanism that causes glass plates to bend by pressing a glass plate up
10 against a surface through the elevation of hot air.

11 And another embodiment, which is cited by the Examiner in the
12 present application, bending occurs due to rollers that are stationary in the
13 vertical plane but all have a curvature. And by gravity, by means of gravity,
14 the hot glass plate takes on the curvature of the rollers to which it is
15 subjected.

16 In this embodiment in Letemps, again, the posture of the glass
17 is detected prior to the arrival of the bending stage. And the bending stage
18 itself in its entirety is moved to adjust for the glass plate to be in the correct
19 posture.

20 By contrast, Claim 1 of the present application recites moving
21 at least one of a plurality of rollers in a direction substantially parallel to the
22 rolling access in this context, the rolling access, each one of the rollers has a
23 rolling access when at least one of the plurality of rollers is in contact with
24 the glass plate in conveyance to position the glass plate as to conform the
25 glass plate to a previously stored reference posture.

1 So Claim 1, this limitation of Claim 1 that I just read, requires
2 three things. It requires that a roller be moved in a direction substantially
3 parallel to a rolling axis. It requires that the motion occur when at least one
4 of a plurality of rollers is in contact with the glass plate in conveyance. And
5 lastly, it requires that the moving needs to position the glass plate so as to
6 conform the glass plate to a previously stored reference posture.

7 Now, the Examiner acknowledges in Letemps the displacement
8 of the taking up mechanism occurs prior to the arrival of the glass plate. But
9 it is the Examiner's position that it would be obvious to reposition the
10 bending mechanism while a glass plate is still on that bending mechanism in
11 anticipation of a future glass plate to come and reach the bending
12 mechanism. This could be for the reason of re-centering the mechanism
13 itself or it could be for the reason of receiving a next glass plate.

14 Now, even if that line of reasoning is accepted, it would still not
15 meet all the limitations of Claim 1. Because as I mentioned, the third
16 element within the limitation was moving at least one of the plurality of
17 rollers to position the glass plate so as to conform the glass plate to the
18 previously stored reference posture.

19 Now, that glass plate that is referred to is the same glass plate
20 that is in contact with the rollers that are moving. So if the taking up
21 mechanism is moved in anticipation of a next glass plate, it is not in contact
22 with the glass plate to what reference posture it would be placed in.

23 Additionally, Claim 1 recites that the moving of at least one of
24 the plurality of rollers includes moving each of the plurality of rollers
25 independently with respect to each other of the plurality of rollers.

1 Now, in Letemps, as can best be seen in Figure 2, the plurality
2 of rollers on the bending mechanism are all connected by a frame. So when
3 the Portion 17 rotates, all of the rollers move together. So in Letemps, there
4 is no such independent motion.

5 Does the Board have any questions?

6 JUDGE PAK: So what we have is a roller, which rotates about
7 the rotational axis and moves side to side substantially parallel to the
8 rotational axis, right?

9 MR. BULLARD: That is correct.

10 JUDGE PAK: Which causes a glass plate to be positioned to
11 the, I guess, reference posture?

12 MR. BULLARD: That is correct.

13 JUDGE PAK: And that is being done while the glass plate is in
14 contact with the rollers themselves, right?

15 MR. BULLARD: That is correct, Your Honor.

16 JUDGE PAK: And the prior art relied upon teaches that rollers
17 in the glass bending portion of the device, I guess, the glass bending portion
18 of the device, are moved in an angle, that is, the whole glass bending portion
19 of device is moved in an angle, to receive the glass plate coming from, I
20 guess, a reheating zone?

21 MR. BULLARD: That is correct, Your Honor.

22 JUDGE PAK: So that the rollers would not be moving
23 substantially parallel while in contact with the glass plate?

24 MR. BULLARD: That is correct, Your Honor. The motion in
25 Letemps happens entirely before the glass plate touches the bending

1 mechanism. And the reason being is Letemps is very concerned about the
2 softness of glass plates. So to have positioning that is independent with
3 motion that relates to glass is one of the goals of Letemps.

4 JUDGE PAK: When I was looking at the drawings of the
5 application

6 MR. BULLARD: I'm sorry, Your Honor?

7 JUDGE PAK: When I was looking at the drawings of the
8 application

9 MR. BULLARD: Of the present application?

10 JUDGE PAK: The present application I noticed that the roller
11 is moving essentially parallel to the axis.

12 MR. BULLARD: That is correct.

13 JUDGE PAK: And with respect to that movement of the
14 bending portion of the prior art device

15 MR. BULLARD: Yes?

16 JUDGE PAK: Would that movement be considered
17 substantially parallel when they're moving at an angle? Or is it transversal
18 to some extent with respect to the rotational axis of the other rollers in front
19 of that bending portion of the device?

20 MR. BULLARD: If I understand your question, Your Honor,
21 you are asking whether the type of motion that is illustrated in Figures 2 and
22 3 of Letemps is analogous to the type of motion that we recite, the plurality
23 of rollers being moved in a direction substantially parallel to the rolling
24 access?

25 JUDGE PAK: That is correct.

1 MR. BULLARD: As you noted, in Figure 3 of the present
2 application, and as you can see in Figures 4 through 7, the type of motion is,
3 as you noted, in a direction that is perpendicular to the direction of travel.

4 There is also a nonelected description that it has to do with
5 rollers that are moved swingably. Those aren't related to the pending claims.
6 Those would be restricted out.

7 Letemps, as you noted, does have a different structure that is
8 described in Figures 2 and 3. The entire frame pivots about, as you can best
9 see in Figure 3, this pendant arm 36. And so that motion there I would say is
10 not the same as the motion where it is substantially parallel. It is a swinging
11 motion. And I would agree that that is different.

12 One of the things that Letemps mentions in passing is that the
13 each of the curving and this is at Column 4, Lines 15 to 20 that each curving
14 machine of this type may, therefore, be easily converted into a machine
15 suitable for carrying out this invention by a simple addition of a motor drive
16 pivoting and possibly translatory mechanism, mounted on the frame or fixed
17 on the ground and mechanisms for freeing the floor supports.

18 So they do mention in passing translatory motion, but the
19 embodiment has to do with this rotation. But importantly, it happens while
20 it is not in contact. And the claims recite that the motion happens while it is
21 in contact. So there is that difference.

22 In addition, as I noted, it is in a frame. So even if you moved
23 the whole frame to one side or another, the motion of the rollers, that motion
24 is not independent for each of the rollers that is being

1 JUDGE KRATZ: Does Claim 6 require the in contact while it
2 is as you do in Claim 1?

3 MR. BULLARD: Yes. Claim 6, I believe yes. Claim 6
4 recites simultaneously moving at least two of the plurality of rollers in a
5 direction substantially parallel to the rolling axis when at least two of the
6 plurality of rollers are in contact with the glass plate in conveyance.

7 JUDGE KRATZ: So you still have the same feature?

8 MR. BULLARD: I'm sorry?

9 JUDGE KRATZ: So it is just broader with respect to the
10 independent movement?

11 MR. BULLARD: Exactly. And so, actually, if you look at
12 claim the Figure 7 of the present application, Figure 7 describes that in you
13 can have a circumstance where a glass plate is over a plurality of these
14 moving rollers, and two of them would start to move at the same time.

15 Figure 6, on the other hand, talks about independently moving
16 them in sequence one after the other. So the difference in scope between
17 Claim 1 and Claim 6 has to do with that idea of Claim 1 having one that is
18 can be moved. And, I think, Claim 5 has the further limitation that the
19 plurality of rollers move in sequence one after another in conjunction with
20 the conveying of the glass plate.

21 And Claim 28, I should note, Independent Claim 28 also
22 requires that the glass be in contact. Claim 28 further recites that there are a
23 plurality of actuators and that each one of the rollers that is moved is moved
24 by a different one of the plurality of actuators.

25 Does the Board have any further questions?

- 1 JUDGE GARRIS: No further questions, sir.
- 2 MR. BULLARD: Thank you very much for your time.
- 3 JUDGE GARRIS: Thank you.
- 4 Whereupon, the proceedings at 10:46 a.m. were concluded.